

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:

TRI-STATE FINANCIAL, LLC,

Debtor.

GEORGE ALLISON, et al.,

Appellants.

IN THE MATTER OF:

TRI-STATE FINANCIAL, LLC,

Debtor.

RADIO ENGINEERING
INDUSTRIES, INC.,

Appellant.

IN THE MATTER OF:

TRI-STATE FINANCIAL, LLC,

Debtor.

JOHN HOICH and DENISE HOICH,

Appellants.

8:15-CV-33

BANKRUPTCY NO. BK08-83016

ADV. PROC. NO. 10-8052

ORDER

8:15-CV-38

BANKRUPTCY NO. BK08-83016

ADV. PROC. NO. 10-8052

ORDER

8:15-CV-39

BANKRUPTCY NO. BK08-83016

ADV. PROC. NO. 10-8052

ORDER

This matter is before the Court on the Dismissal of Appeal filed by appellants American Interstate Bank and James G. Jandrain (filing [35](#)). The Court will construe the filing as a motion for voluntary dismissal and will grant that motion.

Fed. R. Bankr. P. 8023 provides that

[t]he clerk of the district court . . . must dismiss an appeal if the parties file a signed dismissal agreement specifying how costs are

to be paid and pay any fees that are due. An appeal may be dismissed on the appellant's motion on terms agreed to by the parties or fixed by the district court

Because the dismissal of appeal was signed only by the appellants, and did not specify how costs were to be paid, the Clerk of the Court could not automatically dismiss the appeals pursuant to the first sentence of Rule 8023. So, the Court construes the filing as a motion for voluntary dismissal pursuant to the second sentence of Rule 8023.

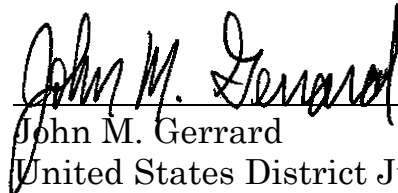
The notice of dismissal, construed as a motion, did not set forth any terms that might have been agreed to by the parties, particularly with respect to payment of costs. *See* Rule 8023; *see also* Fed. R. Bankr. P. 8021(a)(1). However, the Court has been advised by the parties that they have agreed no costs will be assessed. The Court will grant the motion to dismiss on those terms.

IT IS ORDERED:

1. The Dismissal of Appeal filed by appellants American Interstate Bank and James G. Jandrain (filing [35](#)), construed as a motion for voluntary dismissal, is granted.
2. The appeals of American Interstate Bank and James G. Jandrain are dismissed.
3. No costs will be assessed.

Dated this 21st day of May, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge